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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,127	06/07/2006	Dong-Hyuk Lee	CMP-0008-SE	2190

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EXAMINER

KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2437

MAIL DATE	DELIVERY MODE
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06/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,127	Applicant(s) LEE, DONG-HYUK	
	Examiner NADIA KHOSHNOODI	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/8/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/10/2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 5-7 have been cancelled. Applicant's arguments/amendments with respect to previously pending claims 1-4 & 8-10 and newly presented claims 11-12 filed 3/10/2010 have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Response to Arguments

Applicants contend that "Taylor it no way shows or suggests an internal permitted program storage for registering information about a permitted program, much less an internal permitted program storage used to determine whether to register a server port for communication" and also that "Taylor makes no mention of registering/blocking server ports based on the identity of network communication programs." Examiner respectfully disagrees. Taylor et al teach monitoring connections which networked elements are attempting to establish (col. 5, lines 21-39). Furthermore, in order to establish connections a program is used to determine if the packet is a connection establishing packet and performs various steps to extract port information for further processing (col. 5, lines 10-20 and col. 5, line 40 - col. 6, line 21), i.e. an internal permitted program storage used to determine whether to register a server port for communication. Finally, Taylor et al. teach that the firewall has several different procedures to determine whether or not to accept/reject the connection establishing packet based on source/destination IP addresses/ports (col. 9, lines 37-51 and col. 10, line 52 – col. 11, line 42), i.e. determining whether or not to register/block network communication programs based on the

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identity. Therefore, Taylor et al. teach an internal permitted program storage used to determine whether to register a server port for communication and registering/blocking server ports based on the identity of network communication programs.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatic versus manual registration) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Due to the reasons stated above, the Examiner maintains rejections with respect to the pending claims. The prior arts of records taken singly and/or in combination teach the limitations that the Applicant suggests distinguish from the prior art. Therefore, it is the Examiner's conclusion that the pending claims are not patentably distinct or non-obvious over the prior art of record as presented.

Claim Objections

Claim 11 is objected to because of the following informalities: the last line states "port been registered" where Examiner believes Applicants intended to state "port has been registered." Appropriate correction is required.

Claim Rejections - 35 USC § 102

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 1, 4, and 10-12 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Taylor et al., US Patent No. 6,728,885.

As per claims 1, 4, and 10:

Taylor et al. teach a network security system/method/computer-readable recording medium comprising: a port monitoring unit for extracting information about a server port being used by a network communication program (col. 5, lines 33-36); an internal permitted program storage for extracting information about a program for which communication is permitted by the firewall, and registering the extracted information (col.5, line 66 – col. 6, line 12); an internal permitted port storage registering the extracted information about the server port if the network communication program extracted from the information about the server port is registered in the internal permitted program storage (col. 6, lines 13-25); and a firewall flexible device determining whether a destination port of a packet of inbound traffic has been registered in the internal permitted port storage and blocking the packet if inbound traffic if the destination port has not been registered (col. 5, line 66 - col. 6, line 20; col. 10, line 57 – col. 11, line 3; and Fig. 4, elements 303, 311, & 321).

As per claims 11-12:

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Taylor et al teach the network security system/method as set forth in claims 1 and 4. Furthermore, Taylor et al. teach wherein the firewall flexible device allows the packet of inbound traffic to bypass the firewall if the destination port has been registered (col. 10, line 63 - col. 11, line 15).

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 2-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al., US Patent No. 6,728,885 as applied to claims 1 and 4 above, and further in view of Yadav, US Pub. No. 2003/0149887.

As per claims 2 and 8:

Taylor et al. substantially teach the network security system as set forth in claims 1 and 4. Furthermore, Taylor et al. teach wherein the information about the program includes information about the program name (col. 5, lines 18-65). Not explicitly disclosed is wherein the information about the program, which is extracted and registered in the internal permitted program storage, includes information about an entire path of the program, and a program hash value. However, Yadav teaches that an application communicating over a network may be identified by its entire path and message digest hash value (par. 45). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Taylor et al. to

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register the entire path of the program, in addition to an MD5 hash value in the internal permitted program storage. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Yadav suggests that the file path and the hash value may be used in successfully identifying an application and determining if the application is authorized or not for intrusion detection purposes in par. 46.

As per claims 3 and 9:

Taylor et al. substantially teach the network security system as set forth in claims 1 and 4. Furthermore, Taylor et al. teach where the information about the server port stored in the internal permitted port storage includes a protocol and a port (col. 7, lines 4-67). Not explicitly disclosed is wherein the information about the server port, which is registered in the internal permitted port storage, includes information about at least one of an entire path of the program. However, Yadav teaches that an application communicating over a network may be identified by its entire path (par. 45). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Taylor et al. to register the entire path of the program in the internal permitted program storage. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Yadav suggests that the file path may be used in successfully identifying an application and determining if the application is authorized or not for intrusion detection purposes in par. 46.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Nadia Khoshnoodi/
Examiner, Art Unit 2437
6/5/2010

NK

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437